

29 July 1842.—6 VICT.



(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Law relating to Private Lunatic Asylums in Ireland.

[N.B.—The Classes marked (A.) to (H.) were added by the Committee.]

WH **H**EREBY by an Act passed in the seventh year of the reign of his Majesty King GEORGE the Fourth, intitled, "An Act for consolidating and amending the Laws relating to Prisons in Ireland," it is provided that each of the Inspectors General thereby directed to be appointed, shall Once at least in every year go round one of the Circuits in the said Act mentioned, and visit and inspect (amongst other places) every Mad-house and Place where Lunatics or Idiots are confined, whether the same be a Public Establishment, or kept for profit by any private individual in or within such Circuit, and shall report upon the state thereof to the Lord Lieutenant or other Chief Governor or Governors of Ireland:

Preamble:
7 Geo. 4,
c. 76, s. 88.

And whereas it is expedient to make further provision for the licensing, regulation and inspection of Private Lunatic Asylums in Ireland; **W** **H** **E** **R** **E** **F** **O** **R** **E** **Q** **U** **A** **R** **E** **D**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T****H****A****T** the Inspectors General of Prisons in Ireland for the time being, appointed under and by virtue of the said recited Act, shall respectively be Inspectors of Lunatic Asylums in Ireland, for the purposes of the said recited Act and of this Act, but without any additional salary in respect of such office, save for travelling expenses as hereinafter provided; and every

1.
Inspectors
General of
Prisons to be
Inspectors of
Lunatic
Asylums.

such Inspector General is hereby required, so far as he lawfully can, to enforce the due execution of the said recited Act and of this Act, and to carry the provisions of the said recited Act and of this Act into effect.

2.
No Person
shall keep
House for
reception of
Insane Per-
sons unless
licensed.

And be it Enacted, That from and after the commencement of this Act, it shall not be lawful for any person to keep a house for the reception of Two or more insane persons, unless the same shall have been first duly licensed in the manner directed by this Act; and every person keeping a house for the reception of Two or more insane persons, not duly licensed, shall be deemed guilty of a Misdemeanor: Provided always, That no one license shall authorize any person to keep more than One such house. 5 10

3.
Justices of
Peace may
grant Li-
censes.

And be it Enacted, That the Justices of the Peace assembled in General or Quarter Sessions in Ireland shall have authority to grant licenses (if they shall think fit) in the manner directed by this Act for persons to keep houses for the reception of Two or more insane persons of one or both sexes, as such Justices shall think fit, within their respective counties. 15

4.
Licenses to be
granted in
Court.

Notice of ap-
plication for
License to be
given.

And be it Enacted, That every such license shall be granted in manner following, and not otherwise; (that is to say) every such license shall be granted by the Justices in General or Quarter Sessions assembled, for the county wherein the house sought to be licensed shall be situate; and every person who shall apply or intend to apply to have a house licensed for the reception of insane persons, shall give notice to the Clerk of the Peace for the county wherein such house shall be situate, Fourteen clear Days at the least prior to the General or Quarter Sessions where he shall apply for such license, which notice shall contain the true Christian and surname and place of abode of the person so applying and intending to keep such house; and in case such person so applying shall not propose to reside himself in the licensed house, the Christian and surname and previous occupation of the Superintendent who is to reside therein; and such notice shall state whether the license so applied for is for the reception of male or of female patients, or of both; and if for the reception of both, shall state the number of each sex proposed to be received, and show the means by which the one sex may be kept distinct and apart from the other; and such notice shall be accompanied by a plan of such house, to be drawn upon a scale of not less than One-eighth of an Inch to a Foot, with a description of the situation thereof, and the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein, and a statement of the greatest number of patients proposed to be received into such house, 20 25 30 35 40

house, which notice and plan shall be laid by such Clerk of the Peace before the Justices at such time as they shall take into consideration the application for such license.

5 And be it Enacted, That if there be any place or building detached from any house to be licensed, but belonging to or in anywise appertaining to such house, such place or building shall be considered
 10 part of such licensed house for all the purposes of this Act; and that notice of any additions which shall from time to time be made to or in any house licensed under this Act, shall be given by the person to whom the license shall have been granted to the Clerk of the Peace
 15 for the county wherein such house shall be situate, within One calendar Month next after the completion thereof, accompanied with a plan of all the additions and alterations, to be drawn upon the scale aforesaid; and if any person whose duty it shall be so to do, shall (wilfully, and
 20 with intention to deceive,) not give a full and complete plan of the whole of any house to be licensed, or notice of any and all such additions and alterations as shall have been made in any such licensed house, or if any person shall, in any such notice as aforesaid, wilfully make any false or erroneous statement, every person so
 25 offending shall be deemed guilty of a Misdemeanor.

5.
 Detached Buildings to be considered part of the House, and notice of Alterations to be given.

Penalty for not giving Notice, &c.

And be it Enacted, That every such license shall be made out by the Clerk of the Peace of the county wherein the house to be licensed shall be situate, according to the Form in Schedule (A.) annexed to
 25 this Act, for such time, not exceeding Thirteen calendar Months, as the Justices shall think fit, and shall be signed by Two or more such Justices, and shall be duly stamped with a Ten Shilling Stamp; and for every license granted to any person for keeping a house for the reception of insane persons, there shall be paid to the Clerk of the Peace, exclusive of the sum to be paid for the stamp, the sum
 30 of Ten Shillings for every insane person proposed to be received into such house; but for no license to be so granted shall be paid less than Five Pounds, exclusive of the sum paid for the Stamp; and such license shall not be delivered, nor be of any avail, until the sum so payable thereon shall have been paid.

6.
 License to be made out by Clerk of the Peace, according to Schedule (A.), and Fees to be paid thereon.

35 And be it Enacted, That the Clerk of the Peace for every county shall within Four clear Days after the granting of every such license in such county, transmit to the said Inspectors General, or one of them, a true copy of such license and of the notice and plan given to him previous to the application for such license; and in default of so doing,
 40 and for every such offence, such Clerk of the Peace shall be subject and liable to a penalty not exceeding the sum of Five Pounds, nor less than Forty Shillings.

7.
 Where Licenses granted, Clerk of the Peace to furnish Inspection with copy of Notice.

8.

Clerk of the
Peace to keep
account of
Receipts and
Disburse-
ments.

And be it Enacted, That all monies to be received for such licenses shall be retained by the Clerks of the Peace by whom the same shall have been received respectively ; and from such monies shall be paid all the fees and expenses required to be disbursed in the execution of this Act ; and every such Clerk of the Peace shall keep a true account of all such receipts and disbursements, which account shall be made up to the First Day of August in each year, and shall be approved by the Assistant Barrister, and signed by him in testimony of such approval ; and such account shall specify the several heads of expenditure, and every such account, when so made up, shall be laid by the Clerk of the Peace before the Justices of the county at the Quarter Sessions holden next after the making up of such account ; and if it shall appear by any such account that there is a balance in the hands of the Clerk of the Peace, the same shall, within Twenty-one clear Days, be paid by an order of Two or more Justices for such county in Quarter Sessions assembled, for the county to the Treasurer of such county, in aid of the county rate and in reduction of the Grand Jury Presentments for such county ; and when there shall be found to be any balance due in respect of the premises to any such Clerk of the Peace, such balance shall be paid to him by the Treasurer of the county out of the public moneys in his hands, upon an order for such payment being made and signed by Two or more Justices for such county in Quarter Sessions assembled, and such Treasurer shall be allowed the same in his accounts ; and the Grand Jury of such county shall, at each assizes, present all sums so paid to such Clerk of the Peace, to be raised either off the county at large or upon any burony thereof, as to such Grand Jury shall seem fit, in like manner as other monies presented ; and such Presentment shall be made without any previous application to Presentment Sessions.

9.

In case of
death of Per-
son Licensed,
License may
be confirmed
to other Per-
sons.

Provided always, and be it Enacted, That if any person to whom a license for keeping a house shall have been duly granted under this Act, shall die before the expiration of the said license, and the legal representatives of such deceased person shall, within Ten Days next after such death, give notice thereof to the Clerk of the Peace for the county wherein such house shall be situate, it shall be lawful for the Justices of the Peace at the next General Quarter Sessions for such county, if they shall think fit, by an order in writing under the hands of any Three of them, made in open court, to confirm the said license, with all the conditions and liabilities annexed thereto, for the term unexpired, to such person as shall, at the time of such death, be the Superintendent of such house or have the care of the patients therein, or to such other person as such Justices shall think fit ; and in the meantime such previous license shall, notwithstanding the death of such person, remain in full force.

And

And be it Enacted, That if any person duly licensed under this Act, shall by sickness or other sufficient reason become incapable of keeping such house, or if any such licensed house shall be pulled down or occupied under the provisions of any Act for public purposes, or shall by fire, tempest or other unavoidable calamity be rendered unfit
 5 for the accommodation of insane persons, it shall and may be lawful for the Justices of the Peace assembled in General or Quarter Sessions for the county in which such house shall be situate, upon the payment of not less than One Pound for each license, exclusive of the
 10 sum to be paid for the stamp, to grant a new license to such other person as they shall think fit; and also to grant to the person whose house has been so rendered unfit, a license to keep such other house for the accommodation of insane persons within the same county as
 15 such Assistant Barrister shall think fit: Provided always, That the notice of such intended change of persons, and all plans and statements of and concerning such new house, shall be given as are required, when application is made for a license for the first time: Provided also, That the cause of such change of house shall be duly specified in writing to the Clerk of the Peace within Three clear Days after the
 20 happening thereof.

10.
Where any licensed house is rendered unfit, Justices of the Peace may grant a new license at a reduced rate.

And be it Enacted, That if any of the said Inspectors shall recommend in writing to the Lord Chancellor of Ireland for the time being, that any license granted under this Act should be revoked, it shall be lawful for such Lord Chancellor, after making or causing
 25 to be made such inquiries as he shall think necessary, to revoke the same by an instrument in writing under his hand, such revocation to take effect at a period not exceeding Three calendar Months from the time notice thereof shall have been given in the Dublin Gazette; and a copy of every such instrument of revocation shall be transmitted to
 30 the person to whom such license shall have been granted, his executors or administrators, or to the Superintendent of the house, in case the person to whom such license shall have been granted shall not reside in the licensed house, before any such publication shall take place: Provided always, That in every case of recommendation for
 35 revocation of any such license, notice in writing thereof shall be given to the person or persons complained of, Seven clear Days previous to the transmission of such recommendation to the Lord Chancellor.

11.
Lord Lieutenant or Chancellor may revoke license.

And be it Enacted, That no person shall be received into or detained, after the commencement of this Act, in any house licensed for the reception of insane persons in Ireland, without an order under the hand of the person by whose direction such insane person shall have been sent, which order shall be according to the form in
 40 Schedule (B.) annexed to this Act; and in it shall be stated the

12.
No Person shall be received into or retained in a licensed House without an Order and Medical Certificate.

Christian and surname and place of abode of, and the degree of relationship or other circumstance of connexion between such person and such insane person, and the true name, age, place of residence, former occupation, and the asylum or other place (if any) in which such insane person shall have been previously confined, and whether such person shall have been found lunatic or of unsound mind under a commission issued for that purpose by the Lord Chancellor; nor shall any such person be received into or detained in any such house without a medical certificate of Two Physicians, Surgeons or Apothecaries in the manner directed by this Act; and if any person shall knowingly and wilfully receive or detain any insane person or persons represented or alleged to be insane, or to be taken care of or confined in any house licensed under this Act, without such order and medical certificate, and without making, within Three clear Days after the reception or detainer of such patient, a minute or entry in writing, in a book to be kept for that purpose, according to the Form in Schedule (C.) annexed to this Act, of the true name of the patient, and also of the Christian and surname, occupation and place of abode of the person by whom such patient shall be brought, every person so offending shall be deemed guilty of a Misdemeanor.

13.
Form, &c. of
Medical Cer-
tificates, to
warrant re-
ception of
Insane Per-
sons into
licensed
Houses.

And be it Enacted, That every such medical certificate upon which any order shall be given for the confinement of any person in a house licensed under this Act, shall be according to the Form in Schedule (D.) annexed to this Act, and shall be signed by Two Medical Practitioners, not being in partnership, and each of them being a Physician, Surgeon or Apothecary, who shall have separately visited and personally examined the patient to whom it relates, not more than Seven clear Days previous to such confinement; and such certificate shall be signed and dated on the day on which he or she shall have been so examined, and shall state that such person is insane and proper to be confined; and every such certificate for the confinement of any person in a house licensed under this Act shall, if the same be not signed by Two Medical Practitioners, state the special circumstance which shall have prevented the patient being visited by Two Medical Practitioners; and any patient may under such special circumstance be confined in any such licensed house upon the certificate of One Medical Practitioner, provided such certificate shall be further signed by some other Medical Practitioner within Fourteen Days next after the first signing thereof; and any person who shall knowingly and with intention to deceive sign any such medical certificate, untrue setting forth any of the particulars required by this Act, shall be deemed guilty of a Misdemeanor: Provided always, That no Physician, Surgeon or Apothecary shall sign any certificate for the confinement of a patient in any such licensed house who is wholly or partly the Proprietor or the regular professional attendant of such licensed house;

house; nor shall any Physician, Surgeon or Apothecary sign any certificate for the confinement of a patient in any such house of which his father, son, brother or partner is wholly or in part Proprietor, or the regular professional attendant of such house, on pain of being deemed guilty of a Misdemeanor.

AND in order that the Inspectors may know when any patient becomes an inmate of any house licensed for the reception of insane persons; BE it Enacted, That the Proprietor or resident Superintendent of every house licensed under this Act, shall within the space of Two clear Days next after the day on which any person shall have become an inmate of such house, transmit a copy of the order and medical certificates in that behalf, with a notice, according to the Form in Schedule (E.) annexed to this Act, to the said Inspectors or one of them; and every Proprietor or resident Superintendent of any such house who shall knowingly and wilfully neglect so to do, shall be deemed guilty of a Misdemeanor, and the said Inspectors are hereby required to preserve all such copies of orders and certificates; and also within Five clear Days to enter in a register to be provided for that purpose, the Christian and surname of each insane person so returned to them, and of the persons by whose order, and upon whose medical certificates every such insane person is confined, and the house in which every such insane person is confined, according to the Form in Schedule (C.) annexed to this Act.

And be it Enacted, That whenever any patient confined in any house licensed for the reception of insane persons shall escape therefrom, or be removed therefrom, or shall die, the Proprietor or resident Superintendent of such house shall, within Two clear Days next after such escape, removal or death, transmit a written notice thereof to the said Inspectors or one of them, according to the Form in Schedule (F.) annexed to this Act; and in every case of escape, such notice shall state the circumstances connected with such escape, and the then state of mind of the patient; and in every case of removal such notice shall state by whom removed, and the then state of mind of such patient so removed, and to what place removed, if known; and if any such patient so escaping or removed shall be received or brought back to such house, such Proprietor or resident Superintendent shall within Two clear Days next after such patient shall be received or brought back, transmit a like notice to the said Inspectors or one of them; and all such notices shall be preserved and entered by the said Inspectors in like manner as is required in the case of the notice of the admission of any patient into any such licensed house; and in every such case of death, escape or removal, or return of any patient who shall have escaped or been removed, every Proprietor or resident Superintendent of any such house who shall knowingly and wilfully neglect to give

14.
Notice of
reception of
Insane Per-
sons, and
Copies of
Orders and
Medical Cer-
tificates, to be
transmitted to
Inspectors of
Lunatic
Asylums, who
shall keep a
Register.

15.
Notice of
escape,
removal or
death of
Insane Pa-
tients to be
given to In-
spectors.

such notice as in that behalf is required, shall be deemed guilty of a Misdemeanor.

16.

Licensed Houses not kept by a Physician, &c. to be visited by a Medical Man Once in every Fortnight.

And be it Enacted, That every house licensed under this Act, in case such house shall not be kept by a Physician, Surgeon or Apothecary, shall be visited Once in every Fortnight by a Physician, Surgeon or Apothecary; and such resident Attendant or Visiting Physician, Surgeon or Apothecary is hereby respectively required, Once in every Fortnight at least, to make and sign a statement of the health of each and every patient in such licensed house, and the condition of the house, according to the Form in Schedule (G.) annexed to this Act; and such statement shall be entered in a book to be kept at such house, and be regularly laid before the Visiting Inspectors for their inspection and signature.

17.

Inspectors may alter the periodical visits of Medical Attendants.

Provided always, and be it Enacted, That when any house shall be licensed to receive less than Eleven insane persons, then and in such case it shall be lawful for the said Inspectors, if they shall so think fit, to direct and permit that such house shall be visited by the Physician, Surgeon or Apothecary Once at least in Four weeks, instead of Once every Fortnight: Provided always, That such permission shall be in writing under the hands of the said Inspectors, according to the Form in Schedule (H.) annexed to this Act, and shall be subject to such alteration or revocation as the said Inspectors shall think fit; and that such Physician, Surgeon or Apothecary shall enter in a book, to be kept for that purpose, the date of his visit, and the condition of the house, and state of health of each of the patients therein.

18.

Inspectors to visit Licensed Houses Twice a Year.

And be it Enacted, That every such licensed house in Ireland shall be visited by One of such Inspectors of Lunatic Asylums Once at the least in every Six Months, on such days and at such seasonable hours of the day, and for such length of time, as he shall think fit.

19.

Inspectors to inquire and state whether Divine Service is performed, &c.

And be it Enacted, That the said Inspector, when visiting every such licensed house, shall and is hereby required and authorized to inspect every part of the premises included in the license for the same, and to see every patient then confined therein, and to inquire whether any patient is under restraint, and why, and also to inspect the certificate of admission of every patient who shall have been admitted into such house since the last visitation of such house, and to enter in the book directed by this Act to be kept for recording Inspector's visits a minute of the then condition of the house so visited, and of the patients therein, and of the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any of such certificates as aforesaid; and also to add any observations which he may deem proper as to any of the matters aforesaid; and also, if such visit be the first after the granting of a license to the house so visited,

visited, to examine such license, and if the same be in conformity with the provisions required by this Act, to sign the same; but if it be informal, to enter in such Visiting Inspector's book in what respect such license is informal; and every such Inspector shall also inquire
 5 whether any and at what times divine service is read and performed for the benefit and consolation of any of the patients, or what religious aid they receive under any circumstances of intellectual improvement, and what description of employment, amusement or recreation (if any) is provided for them; and shall at the time of every
 10 such visitation state in the book directed by this Act to be kept for recording Inspectors' visits the result of such inquiry, with such observations as he shall think useful or necessary; and in those houses where it shall appear that divine service is not performed, or that religious communication with any Minister is not
 15 permitted, the Proprietor or resident Superintendent of every such house shall state in such book the reasons thereof.

And be it Enacted, That there shall be hung up in some conspicuous part of every licensed house a copy of the plan in that behalf delivered to the Clerk of the Peace; and there shall also be kept
 20 in every such house a Queen's Printer's copy of this Act, bound up in a book, in which book the Visiting Inspector shall record such visit, and make minutes in writing of the condition of such house as to the care of the patients therein, and all such other particulars as he shall think deserving of his notice, together with his observations
 25 thereupon; and a copy of every such minute so made by any Inspector shall forthwith be transmitted by him to the Clerk of the Peace for the county.

20.
Plan of House to be hung up, and copy of Act kept, and at each Visitation Inspector to make Minutes.

And be it Enacted, That every Clerk of the Peace shall upon receipt of any such copy of minute enter the same in a book to be
 30 kept by him for that purpose; and every such entry of minute shall be laid before the Justices of the Peace assembled in Quarter Sessions for the county wherein the house to which such minute shall relate shall be situate, previously to the consideration of any renewal of the license to such house.

21.
Minutes to be transcribed in a Book.

And be it Enacted, That if the Proprietor or resident Superintendent of any licensed house shall fraudulently conceal or attempt to conceal any part of such house or premises, or any person detained therein as insane, from any such Inspector or from any medical or
 35 other person authorized, under the provisions of this Act, to visit and inspect any such house and the patients confined therein, every person so offending shall be deemed guilty of a Misdemeanor.

22.
Concealment from Inspector to be considered Misdemeanor.

And be it Enacted, That in every House licensed for the reception of insane persons, the Proprietor or resident Superintendent shall keep, in addition to the Visiting Inspector's Book hereinbefore directed to
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23.
Classes (A.) Patients' Book as well as Visitor's Book to be

kept in every
licensed
House, and
both Books to
be produced,
under a
Penalty.

be kept, a book to be called the "Patients' Book," which book shall be produced to the Visiting Inspector at each visit, and he shall make an entry therein that the same has been so produced, and insert therein such observations as he may think fit respecting the state of mind of any patient in such House, and sign the same.

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24.
CLAUSE (B.)
Penalty on
omission to
produce the
Books.

And be it Enacted, That any Proprietor or resident Superintendent of any such House omitting at the visit of any such Inspector to produce to him such Visitor's Book and Patients' Book, shall forfeit and pay a penalty of Twenty Pounds, to be recovered as hereinafter provided.

25.
CLAUSE (C.)
The Commis-
sioners to con-
sider cases in
which their
attention may
be drawn, and
make an entry
in Patients'
Book.

And be it Enacted, That the said Inspectors respectively visiting any such licensed House shall carefully consider and give special attention to the state of mind of any patient therein confined, as to the propriety of whose detention he shall have cause to doubt, or as to whose sanity his attention shall be specially called by the patient or any other person, and shall, if he shall think the propriety of the detention of such patient requires further consideration, make a minute thereof in the Patients' Book of such House.

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26.
CLAUSE (D.)
Commissioners may
make special
visits, and
after Two such visits
may, subject
to certain
restrictions,
liberate a
Patient.

And be it Enacted, That any such Inspector, in case he shall doubt the propriety of the detention of any patient in any such House, shall make a special visit to such patient, accompanied by the Managing Officer and the Medical Officer, or, if more than one, the principal Medical Officer of the nearest District Lunatic Asylum, on such day and at such hour as he shall think fit; and if, after Two distinct and separate visits so made, it shall appear to such Inspector and Managing Officer and Medical Officer that such person is detained in such House without sufficient cause, they may give such orders as to them shall seem meet for the discharge of such person at such time as the circumstances of the case may seem to justify: Provided always, That the result of each of such special visits shall be entered in writing in the Patients' Book of such House; and such entry, and also the order for discharge, shall be signed by such Inspector and Managing Officer and Medical Officer: Provided also, That each of such special visits must be by the same Inspector and Managing Officer and Medical Officer.

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27.
CLAUSE (E.)
Notice of spe-
cial visits.

Provided also, and be it Enacted, That not less than Fourteen Days shall intervene between the first and second of such special visits, and that such Inspector shall, previous to the second of such special visits, give notice thereof to the Proprietor or resident Superintendent of the House in which the Patient intended to be visited is detained, and also (so far as is practicable) to the person by whose authority such patient was received into such House, or is then detained therein, such notice to such several parties to be by letter, signed by such Inspector, and with

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with

with his name indorsed on the outside or cover thereof, and sent by post, and to be put into the post Fourteen Days at least before the day in such notice specified as the day for such second visit; and the Master of any post-office into which any such letter shall be put, shall
 5 and is hereby required to give to such Inspector a receipt for the same, in the Form set out in the Schedule hereto annexed, and which receipt shall be *prima facie* evidence of such letter having been sent to the person to whom the same shall by such receipt appear to have been addressed.

- 10 Provided also, and be it Enacted, That the notice so required to be given to the Proprietor or resident Superintendent of the House may, instead of being given by letter as aforesaid, be given by notice in the Patients' Book of such House, and signed by such Inspector.

28.
 Clause (F.)
 Mode of
 serving notice.

- 15 Provided also, and be it Enacted, That such power of liberation shall not extend to the case of any person who shall have been found idiot, lunatic or of unsound mind, under any Commission issued for that purpose by the Lord Chancellor, nor to any insane person confined under any order or authority of the Lord Lieutenant, or of any
 20 Criminal Court of Justice; but it shall be lawful for such Inspectors respectively, if they shall think fit, to examine into the state of mind or condition of any such person, and to report his or their opinion in writing, on the state of mind or condition of such person, to the Lord Chancellor, or to the Chief Secretary of the Lord Lieutenant,
 25 as the case may be.

29.
 Provision as
 to certain
 Insane Per-
 sons.

- And be it Enacted, That it shall be lawful for either of the said Inspectors, upon receiving information upon oath (which oath they or either of them are and is hereby empowered to administer), that the party making such oath hath cause to suspect, and doth verify
 30 believe that any mal-practice has taken place in any house licensed under this Act, which mal-practice cannot be ascertained by examination and inspection during the day, to visit and inspect any such house at such hour of the night as they shall think fit.

30.
 Inspectors
 may, upon
 information
 of mal-practice,
 visit
 licensed
 House at
 Night.

- And be it Enacted, That if any person shall apply to the said Inspectors in order to be informed whether any particular person is
 35 confined as an insane person, and such Inspectors shall think it reasonable that such inquiry should be made, they shall examine the Register hereinbefore directed to be kept; and if it shall appear thereby that the person so inquired after is or has within the last
 40 Twelve calendar Months been confined in any of such houses, such Inspectors shall deliver to the person so applying in writing, the name of the Proprietor or resident Superintendent in whose house

31.
 In case of
 inquiry, In-
 spectors may
 give informa-
 tion relative
 to any Person
 confined.

the person so inquired after is or has been confined, the situation of such house, and (if such Inspectors shall so think fit) a copy of the order and medical certificates upon which such person was received into such house.

32.
Class (G.)
Particulars of
Inquiry to be
made by the
Inspectors.

And be it Enacted, That, with a view to the amelioration of the condition of insane persons, each such Inspector shall, when under the provisions of this Act visiting houses licensed for the reception of insane persons, and when under the provisions of the heretofore-recited Act visiting any other mad-houses, or places where lunatics and idiots are confined, inquire whether there has been adopted therein, either in whole or in part, any system of non-coercion, and if so, the particulars of such system, and by what means practised, and whether by medical treatment or otherwise, and what has been the result thereof; and shall, in like manner, inquire into the classification or non-classification of patients in every such house, asylum or place, and the number of attendants on each class, and, so far as is practicable, the proportionate number of attendants before and since the adoption of the system of non-coercion, if such system shall have been adopted; and shall also, in like manner, inquire into the occupations and amusements of the patients in every such house, asylum or place, and whether the same be in-door or out-door occupations or amusements, and the effect of such occupations and amusements, both in-door and out-door respectively, on the condition, as well mental as bodily, of the patients; and shall also in like manner inquire into the condition, as well mental as bodily, of the pauper patients (if any) when first received into every such house, asylum or place, and whether the condition has been such as to prevent or impede the ultimate recovery, either mental or bodily, of such patients, and also as to the dietary of the pauper patients (if any) in every such house, asylum or place, and shall also make such other inquiries as to such Inspectors respectively shall seem meet.

33.
Annual Report to be made by Inspectors to the Lord Lieutenant and Chancellor.

And be it Enacted, That the said Inspectors shall in the month of September in every year make a report of the state and condition of the several houses licensed under this Act, and also as to the care of the patients therein, and the several particulars hereinbefore mentioned, such other particulars as they shall think deserving of notice, to the Lord Lieutenant and the Lord Chancellor for the time being respectively.

34.
Insane person not to be received into unlicensed House without an Order and Medical Certificates.

And be it Enacted, That no person (except he be a guardian or relative, who does not derive any profit from the charge, or a Committee appointed by the Lord Chancellor, or a person with whom such insane person shall be placed by such Committee) shall, under pain of being deemed guilty of Misdemeanor, receive to board or lodge in any house not licensed under this Act, or take the care or charge

charge of any insane person, without first having the like order and medical certificates as are required on the admission of an insane person into a licensed house.

And be it Enacted, That every person (except as aforesaid) who shall receive to board or lodge in any house not licensed under this Act, or take the care or charge of any insane male or female person, shall within Three calendar Months next after, if such insane person or persons respectively shall not previously have returned to their own or usual place of abode, transmit to the said Inspectors or One of them a copy of such order and medical certificates, sealed and indorsed "Private Return," and not to be inspected by any person except the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other person or persons as shall be authorized in that behalf by them or any of them; and every such person (except as aforesaid) shall also (if such insane male or female person shall not have been previously removed) on the First Day of January in every succeeding year, or within Seven clear Days after, transmit to the said Inspectors or one of them, a certificate signed by Two Physicians, Surgeons or Apothecaries, describing the then actual state of mind of such insane person, and to be indorsed "Private Return;" and all such orders, medical certificates and returns shall be preserved by the said Inspectors, and shall be open only to the inspection of the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other person or persons as shall be authorized in that behalf by them or any of them; and every person (except as aforesaid) who shall receive to board or lodge in any house not licensed under this Act, or take the care or charge of any insane person in any such house, and who shall omit to transmit such copies of orders and certificates, shall be deemed guilty of a Misdemeanor.

35.
Copy of
Order and
Certificate
and Annual
Certificate to
be transmitted
from un-
licensed
Houses to
Inspector.

Provided always, and be it Enacted, That it shall be lawful for the Lord Chancellor for the time being, if he shall think fit, at any time or times, by an order in writing by him directed to the said Inspectors, or either of them, to require them or either of them to visit and examine any person confined as an insane person who shall be confined in the care of any guardian or relative, or of any other person, or in any house or building in which any person or persons alleged to be insane shall be confined, and to make a report to the Lord Chancellor of such matters in relation to the premises, or any of them, as he or they shall be directed to inquire into.

36.
Lord Lieu-
tenant and
Chancellor
may direct
special visita-
tion of Pa-
tients in con-
finement.

And be it Enacted, That it shall be lawful for the said Inspectors respectively visiting any house pursuant to the provisions of this Act, and they are hereby respectively authorized, if they shall so think fit, to select and call in any Physician, Surgeon or Apothecary, residing

37.
Inspectors
may call in
Physician,
&c., when
visiting any
house.

within a reasonable distance of such house, to visit the same with them respectively ; and every such Physician, Surgeon or Apothecary shall be entitled to a fee, not exceeding Two Guineas, for every such attendance, to be paid by the Clerk of the Peace for the county in which such attendance shall have taken place, upon the order, in writing, in that behalf of the Inspectors or Inspector by whom such attendance shall have been required ; and such Clerk of the Peace shall have credit in his account of receipts and disbursements under this Act for every such fee paid by him under any such order : Provided always, That no Physician, Surgeon or Apothecary shall be so called in to visit any house who shall be, directly or indirectly, interested in such house ; and it shall also be lawful for the Inspectors respectively visiting as aforesaid any house to require the attendance of the Managing Officer and the Medical Officer, or (if more than One) the principal Medical Officer of the nearest District Lunatic Asylum, to visit the same with them respectively ; and the travelling expenses of every such Managing Officer and Medical Officer shall be paid by the Clerk of the Peace for the county in which such attendance shall have taken place, upon the order, in writing, in that behalf, of the Inspector by whom his attendance shall have been required, and such Clerk of the Peace shall have credit for the same in his said account.

38.
Lord Chancellor may assign Counsel to assist at any investigation.

And be it Enacted, That in case it shall appear to the Lord Chancellor that the assistance of Counsel is requisite for the conducting of any visitation or investigation to be holden under this Act, it shall be lawful for such Lord Chancellor to nominate and appoint any Barrister-at-law of not less than Six Years' standing, for the purpose of assisting at such visitation or investigation, with such reasonable fees or payment and allowances for his trouble and for his travelling and other expenses as the Lord Chancellor by order under his hand shall direct ; and all such fees and allowances for any such Barrister shall be paid by the Clerk of the Peace for the county in which such visitation or investigation shall have taken place, upon the order in writing in that behalf of the said Lord Chancellor, and such Clerk of the Peace shall have credit for the same in his said account.

39.
CHIEF (H.)
Expenses of
Inspectors,
how to be
paid.

And be it Enacted, That every such Inspector shall, over and above his salary, be paid his travelling and other expenses incurred under the provisions of this Act ; and every such Inspector shall, on or before the First day of January in every year, lay or cause to be laid before the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, an account of the travelling and other expenses incurred by him, as aforesaid, in the previous year ; and the said Commissioners of Her Majesty's Treasury may make an order for the amount to be paid to such Inspector.

And

And be it Enacted, That in every case in which any patient shall die or have been discharged as cured, the order, medical certificates and notices in that behalf required under this Act may be delivered up to the Lord Chancellor to be cancelled, and thereupon the name of such person may be wholly erased from the register thereof: Provided always, That no such erasure of the name of any person shall be made until after the expiration of Twelve calendar Months after the death or discharge of such person.

40.
After death or discharge of Patient, orders, &c., in that behalf may be delivered up to be cancelled.

AND for the better enabling the said Inspectors to inquire into the several matters and things by this Act referred to them; BE it Enacted, That it shall be lawful for the said Inspectors or either of them from time to time, as they respectively shall see occasion, to require by summons, according to the Form in Schedule (I.) annexed to this Act, any person to appear before them or either of them to testify the truth touching any matters relating to the execution of the powers given by this Act on oath or affirmation, which oath or affirmation either of the said Inspectors is hereby empowered to administer.

41.
Inspectors may summon Witnesses.

And be it Enacted, That if any person upon any examination under the authority of this Act shall wilfully give false evidence, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall refuse or wilfully neglect to attend in obedience to any such summons, or to give evidence when duly summoned, every person so offending shall be deemed guilty of a Misdemeanor.

42.
Penalties for giving false evidence, &c.

And be it Enacted, That the delivery of any summons authorized to be issued by any Inspector under this Act, to any party to whom such summons shall be directed, or at his place of abode, to his wife, or to any child or servant of such party being of the age of Sixteen Years or upwards, shall in all cases be deemed good and sufficient service of such summons.

43.
Service of Summons

And be it Enacted, That every pecuniary penalty imposed under or by virtue of this Act may be recovered by Civil Bill by any person who shall sue for the same.

44.
Penalties recoverable by Civil Bill.

AND whereas it is not intended by this Act to give the Proprietors or resident Superintendent of any licensed house, or any other person concerned in confining any of Her Majesty's subjects, any new justification from their being able to prove that the person so confined was sent there by such order, and upon such medical certificates as are required by this Act; BE it therefore Enacted, That in all proceedings which shall be had under Her Majesty's writ of Habeas Corpus, and in all indictments, informations and actions, and other proceedings that shall be preferred, prosecuted, taken or brought

45.
Proceedings of Proprietors, &c., to be justified in course of common law

against any person for confining or ill-treating any of Her Majesty's subjects insane, or represented or alleged to be insane, the respective parties complained of shall be obliged to justify their conduct according to the course of the common law, in the same manner as if this Act had not been made.

46.
Limitation of
Actions.

And be it Enacted, That if any action or suit shall be commenced or brought against any person for any thing done in pursuance of this Act, the same shall be commenced within Six calendar Months next after the fact being committed, and shall be laid or brought in the county where the cause of action shall have arisen, and not elsewhere; and the defendant in every such action or suit shall and may, at his election, plead specially or the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to be so done, or that such action or suit shall be brought in any other county, or shall not have been commenced within the time before limited for bringing the same, that then the Jury shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff shall be non-suited or discontinued his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant shall recover treble costs, and have such remedy for recovering the same as any defendant may have for his costs in any other case by law.

47.
Act not to
extend to
Public Insti-
tutions.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to any public hospital or charitable institution, supported wholly or in part by voluntary contributions, and not kept for profit by any private individual, or to any institution supported wholly or in part by Grand Jury Presentment or Parliamentary grant of public money, excepting so far as relates to visitations appointed by the Lord Chancellor, and excepting so far as relates to the inquiries directed to be made by the said Inspectors when visiting such institutions under the provisions of the hereinbefore first-recited Act.

48.
Courties of
Cities, &c.,
to be deemed
part of Coun-
ties at large.

And be it Enacted, That every county of a city and county of a town in Ireland, and every part thereof, shall for the purposes of this Act, but not for any other purpose or otherwise, be deemed to be situate in and part of the county at large, within the boundaries of which the same or the greater part thereof shall be comprised.

49.
Commence-
ment of this
Act.

And be it Enacted, That this Act shall commence and take effect in the county of the city of Dublin, and in the county of Dublin, from and after the commencement of the General Quarter Sessions of the Peace,

Peace, which shall be held next after the expiration of Two Months, computed from the passing of this Act; and that this Act shall commence and take effect in any other county and county of a city or county of a town, from and after the General Quarter Sessions of the Peace, which shall be held at the several ussize towns respectively, next after the expiration of the like period computed as aforesaid

And be it Enacted, That the words and expressions hereinafter mentioned, which in their ordinary use have a more confined or different meaning, shall in the construction of this Act, except where the context excludes such construction, be interpreted as follows; (that is to say)

50.
Interpreta-
tion Clause.

Every word importing the singular number or the masculine gender only, shall be understood to include and shall be applied to several persons, matters or things, as well as one person, matter or thing, and females as well as males respectively; the words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of Ireland; the words "Lord Chancellor" shall be construed to mean the Lord Chancellor or Lord Keeper or Lords Commissioners for the Custody of the Great Seal in Ireland; the words "Assistant Barrister" shall be construed to include in their meaning the Chairman of the Sessions for the county of Dublin, and the Recorder for the city of Dublin.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

51.
Act may be
altered.

SCHEDULE

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

FORM OF LICENSE.

KNOW ALL MEN, That I, the undersigned Assistant Barrister [or, Chairman of, &c., or, Recorder of, &c.], acting in and for the county of _____, and holding a Court for the determining Civil Bills, Do hereby certify, That A. B., of the parish of _____, in the county of _____, hath delivered a Notice to and deposited with the Clerk of the Peace for the said county of _____, a Plan and Description of a House and Premises proposed to be licensed for the reception of insane persons; and I, having considered and approved the same, do hereby authorize and empower the said A. B. [or, C. D., as Superintendent, the said A. B. not intending to reside therein himself], to use and employ the House and Buildings situate at _____, in the parish of _____, in the county of _____, as a House for the reception of insane persons [male and female, or, male or female only]. And this License shall continue in force for the space of _____ calendar Months, and no longer.

Given under my hand, this _____ day of _____, in the year of our Lord _____.

Witness _____ }

Note :—Fourteen Days' notice of the intention to renew this License must be given to the Clerk of the Peace.

SCHEDULE

SCHEDULE (B.)

STATEMENT and ORDER to be annexed to the Medical Certificates, authorising the Reception of an Insane Person.

The patient's true Christian and surname, at full length - _____
 The patient's age - - - - - _____
 Married or single - - - - - _____
 The patient's previous occupation (if any) - - - _____
 The patient's previous place of abode - - - - - _____
 The licensed house or other place (if any) in which the }
 patient was before confined - - - - - } _____
 Whether found Insane by inquisition, and date of commis- }
 sion - - - - - } _____
 Special circumstance which shall prevent the patient being }
 separately examined by two Medical Practitioners - } _____
 Special circumstance which exists to prevent the insertion }
 of any of the above particulars - - - - - } _____

Sir,

Upon the authority of the above statement, and the annexed medical certificates, I request you will receive the said _____ as a patient into your house.

I am, Sir,

Your obedient Servant,

Name - - - - - _____
 Occupation (if any) - - - - - _____
 Place of abode - - - - - _____
 Degree of relationship (if any) to the insane }
 person - - - - - } _____

To Mr. _____

Proprietor of _____

SCHEDULE (C.)

Form of Book of Entry of Patients to be kept in the Licensed Houses, and of Register to be kept by the Inspectors.

Surname and Christian Names, Sex and Age, of Patient, and whether Married or Single.	Occupation or Profession.	Place of Residence.	Date of Admission of Patient, and by whose Authority sent.	Date of Medical Certificate, and by whom signed.	Whether found Lame by Inspection.	When Discharged.	Cured, not cured, or Incurable.	Death.

SCHEDULE (D.)

FORM of MEDICAL CERTIFICATE.

I, the undersigned, hereby certify, That I separately visited, and personally examined the person named in the annexed Statement and Order, on the _____ day of _____ One thousand eight hundred and _____ and that the said _____ is of unsound mind, and a proper person to be confined.

(signed) Name - - - - -
 Physician, Surgeon or Apothecary - - -
 Place of abode - - - - -

I, the undersigned, hereby certify, That I personally visited and personally examined the person named in the annexed Statement and Order, on the _____ day of _____ One thousand eight hundred and _____ and that the said _____ is of unsound mind, and a proper person to be confined.

(signed) Name - - - - -
 Physician, Surgeon or Apothecary - - -
 Place of abode - - - - -

SCHEDULE

SCHEDULE (E.)

NOTICE.

Sir,

I AM to acquaint you, That
day of
and Medical Certificates.

was received into my house on the
and I herewith transmit a copy of the Order

(signed) _____

To the Inspectors of
Lunatic Asylums in Ireland.

SCHEDULE (F.)

FORM OF NOTICE ON Discharge, Removal, or Death of Patient.

I, _____ of _____ hereby give you notice, That
of _____ a patient in the licensed house situate in
was removed therefrom by _____ of _____
[or death] on the _____ day of _____ One thousand eight hundred
and _____ [here describe the state of mind on removal.]

Dated this _____ day of _____ One thousand eight hundred
and _____

(signed) _____

To the Inspectors of
Lunatic Asylums, Ireland.

SCHEDULE (G.)

MEDICAL JOURNAL and WEEKLY STATEMENT to be kept in each Licensed House for the
Inspection of Visiting Inspectors.

Names of probably curable Men.	Names of probably curable Women.	Number of probably curable Men.	Number of probably incurable Men.	Number of probably curable Women.	Number of probably incurable Women.	Number of Men under restraint.	Number of Women under restraint.	General Remarks on the State of Health of the Patients, and Condition of the House.

SCHEDULE (H.)

FORM of PERMISSION for regulating MEDICAL ATTENDANCE.

WHEREAS by an Act made in the _____ year of the reign of
 intituled, "An Act for amending the Law relating to Private Lunatic Asylums in Ireland,"
 it is amongst other things provided and enacted, That when any house is licensed for the
 reception of insane persons, then it shall be lawful for the Inspectors therein mentioned, if
 they shall so think fit, to direct and permit that such house shall be visited by the Phy-
 sician, Surgeon or Apothecary, Once at least in every Four Weeks, instead of Once in
 every Week, as required by the said Act: AND whereas on the _____ day of
 the Assistant Barrister for the county of _____
 duly granted a license for the space of _____ calendar Months, to
 for a house, situate at _____ in the county of _____, for
 the reception of _____ insane persons: AND whereas the said
 hath applied to the said Inspectors, that they will be pleased to direct and permit the said
 house to be visited Once in every Four Weeks instead of Once in every Week. Now
 know YE, that We, the undersigned Inspectors of Lunatic Asylums in Ireland, having
 thought fit to accede to the above request, Do by this instrument, in writing, under our
 hands, direct and permit that the house so licensed to the said _____ as afore-
 said, shall be visited by a Physician, Surgeon or Apothecary Once at the least in every Four
 Weeks, instead of Once in every Week, as required by the said Act: Provided always,
 and it is hereby expressly declared, That this permission shall be subject to such revocation
 or alteration as the Inspectors of Lunatic Asylums in Ireland shall think fit. Witness our
 hands, this _____ day of _____ one thousand eight hundred and _____

Witness,

SCHEDULE (I.)

FORM of SUMMONS.

We, whose names are hereunto set and seals affixed, being Inspectors or an Inspector
 appointed under an Act passed in the _____ year of the reign of
 intituled, "An Act for amending the Law relating to Private Lunatic Asylums in Ireland,"
 Do hereby require you personally to appear before us or me at _____ in the
 parish of _____ in the county of _____ on _____ next
 the _____ day of _____ at the hour of _____ in the _____ noon of
 the same day, then and there to be examined, and testify the truth touching certain
 matters relating to the execution of the said Act.

Given under our hands this _____ day of _____ in the year
 of our Lord _____

To _____

Lunatic Asylums (Ireland).

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Law relating to Private
Lunatic Asylums in Ireland.

(Prepared and brought in by
Mr. Sefton-General for Ireland and
Lord Ellen.)

Control, by The House of Commons, on 15 March
30 July 1842.

504.

Under 4 oz.